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July 6, 2006

Ryan Broddrick, Director  
Department of Fish and Game (DFG)  
1416 Ninth Street, 12th Floor  
Sacramento, CA 95814

**Re: Fish and Game Sec. 2112 – Regulations for  
Incidental Take of Coho Salmon**

Dear Director Broddrick:

On May 17, 2006, you wrote to me in response to my request for a work schedule for completing the rule making process for coho salmon incidental take regulations governing forestry operations (Sec. 2112 regulations). The work schedule you provided to me is not satisfactory because it anticipates that the rulemaking process will take 18 months to complete. This means that new regulations would not become effective until the beginning of 2008, at the earliest. Because the Fish and Game Commission voted to designate coho salmon a state-listed species nearly two years ago, an 18-month delay in promulgating regulations to address incidental take is much too long.

In your letter you noted that litigation was pending which challenged the state Endangered Species Act (ESA) listing of coho salmon, and that a favorable decision on the listing would enable the department to "proceed with the regulatory process." You also indicated that DFG is currently exploring ways to work with the California Department of Forestry and Fire Protection to shorten the administrative rulemaking process for these regulations.

On June 9th, Sacramento Superior Court Judge Gail Ohanesian ruled in favor of the State of California's position in the coho litigation, finding the petitioners' challenges to be without merit and denying all their requests for a writ of mandate, declaratory relief and injunctive relief.

In view of the court's ruling, I would appreciate confirmation that DFG has now commenced the rulemaking process. I would also appreciate an update on the status of

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your discussions with CDF and whether the rulemaking process can be expedited so that the new regulations might be made operative sooner than 18 months from now.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script, reading "Sheila Kuehl". The signature is written in dark ink and is positioned below the word "Sincerely,".

Senator Sheila Kuehl, Chair  
Senate Natural Resources and Water Committee